



February 11, 2003

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## HOUSE BILL No. 1660

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DIGEST OF HB 1660 (Updated February 10, 2003 3:01 PM - DI 107)

**Citations Affected:** IC 12-10; IC 35-42; IC 35-46.

**Synopsis:** Abuse of an endangered adult. Removes the requirement that the state department of health must request assistance before the division of disability, aging, and rehabilitative services or adult protective services may investigate a report of an endangered adult residing in a health facility. Makes battery that results in serious bodily injury to an endangered adult a Class B felony. Makes battery that results in death to an endangered adult a Class A felony. Makes failing to report an abused endangered adult a Class B misdemeanor instead of a Class A infraction. Corrects code cite references.

**Effective:** July 1, 2003.

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### Day, Budak, Becker

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January 21, 2003, read first time and referred to Committee on Human Affairs.  
February 10, 2003, amended, reported — Do Pass.

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HB 1660—LS 6958/DI 77+



February 11, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1660

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 12-10-3-17 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. If an adult  
3       protective services unit receives a report alleging that an individual  
4       who is a resident of a facility licensed under IC 16-28 is an endangered  
5       adult, the adult protective services unit shall immediately communicate  
6       the report to the state department of health under IC 16-28-4-1. ~~The~~  
7       ~~division or the adult protective services unit shall perform the other~~  
8       ~~responsibilities concerning endangered adults under section 8 of this~~  
9       ~~chapter only if the state department of health requests the assistance of~~  
10      ~~the division or the adult protective services unit.~~

11       SECTION 2. IC 35-42-2-1, AS AMENDED BY P.L.222-2001,  
12       SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13       JULY 1, 2003]: Sec. 1. (a) A person who knowingly or intentionally  
14       touches another person in a rude, insolent, or angry manner commits  
15       battery, a Class B misdemeanor. However, the offense is:

16               (1) a Class A misdemeanor if:  
17               (A) it results in bodily injury to any other person;

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- 1 (B) it is committed against a law enforcement officer or  
 2 against a person summoned and directed by the officer while  
 3 the officer is engaged in the execution of his official duty;  
 4 (C) it is committed against an employee of a penal facility or  
 5 a juvenile detention facility (as defined in IC 31-9-2-71) while  
 6 the employee is engaged in the execution of the employee's  
 7 official duty; or  
 8 (D) it is committed against a firefighter (as defined in  
 9 IC 9-18-34-1) while the firefighter is engaged in the execution  
 10 of the firefighter's official duty;  
 11 (2) a Class D felony if it results in bodily injury to:  
 12 (A) a law enforcement officer or a person summoned and  
 13 directed by a law enforcement officer while the officer is  
 14 engaged in the execution of his official duty;  
 15 (B) a person less than fourteen (14) years of age and is  
 16 committed by a person at least eighteen (18) years of age;  
 17 (C) a person of any age who is mentally or physically disabled  
 18 and is committed by a person having the care of the mentally  
 19 or physically disabled person, whether the care is assumed  
 20 voluntarily or because of a legal obligation;  
 21 (D) the other person and the person who commits the battery  
 22 was previously convicted of a battery in which the victim was  
 23 the other person;  
 24 (E) an endangered adult (as defined ~~by IC 35-46-1-1~~); **in**  
 25 **IC 12-10-3-2**;  
 26 (F) an employee of the department of correction while the  
 27 employee is engaged in the execution of the employee's  
 28 official duty;  
 29 (G) an employee of a school corporation while the employee  
 30 is engaged in the execution of the employee's official duty;  
 31 (H) a correctional professional while the correctional  
 32 professional is engaged in the execution of the correctional  
 33 professional's official duty;  
 34 (I) a person who is a health care provider (as defined in  
 35 IC 16-18-2-163) while the health care provider is engaged in  
 36 the execution of the health care provider's official duty;  
 37 (J) an employee of a penal facility or a juvenile detention  
 38 facility (as defined in IC 31-9-2-71) while the employee is  
 39 engaged in the execution of the employee's official duty; or  
 40 (K) a firefighter (as defined in IC 9-18-34-1) while the  
 41 firefighter is engaged in the execution of the firefighter's  
 42 official duty;

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(3) a Class C felony if it results in serious bodily injury to any other person or if it is committed by means of a deadly weapon;

(4) a Class B felony if it results in serious bodily injury to a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age; ~~and~~

(5) a Class A felony if it results in the death of a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

**(6) a Class B felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2); and**

**(7) a Class A felony if it results in the death of an endangered adult (as defined in IC 12-10-3-2).**

(b) For purposes of this section:

(1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and

(2) "correctional professional" means a:

(A) probation officer;

(B) parole officer;

(C) community corrections worker; or

(D) home detention officer.

SECTION 3. IC 35-46-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) A person who:

(1) believes or has reason to believe that an endangered adult is the victim of battery, neglect, or exploitation as prohibited by this chapter, ~~IC 35-42-2-1(2)(C); IC 35-42-2-1(a)(2)(C), or IC 35-42-2-1(2)(F); IC 35-42-2-1(a)(2)(E); and~~

(2) **knowingly** fails to report the facts supporting that belief to the division of disability, aging, and rehabilitative services, the adult protective services unit designated under IC 12-10-3, or a law enforcement agency having jurisdiction over battery, neglect, or exploitation of an endangered adult;

commits a ~~Class A infraction~~. **Class B misdemeanor.**

(b) An officer or employee of the division or adult protective services unit who unlawfully discloses information contained in the records of the division of disability, aging, and rehabilitative services under IC 12-10-3-12 through IC 12-10-3-16 commits a Class C infraction.

(c) A law enforcement agency that receives a report that an endangered adult is or may be a victim of battery, neglect, or exploitation as prohibited by this chapter, ~~IC 35-42-2-1(2)(C); IC 35-42-2-1(a)(2)(C), or IC 35-42-2-1(2)(F); IC 35-42-2-1(a)(2)(E)~~ shall immediately communicate the report to the adult protective

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- 1 services unit designated under IC 12-10-3.  
2 (d) An individual who discharges, demotes, transfers, prepares a  
3 negative work performance evaluation, reduces benefits, pay, or work  
4 privileges, or takes other action to retaliate against an individual who  
5 in good faith makes a report under IC 12-10-3-9 concerning an  
6 endangered individual commits a Class A infraction.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1660, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 8, delete "and".

Page 3, line 10, delete "12-10-3-2)." and insert **"12-10-3-2); and (7) a Class A felony if it results in the death of an endangered adult (as defined in IC 12-10-3-2)."**

Page 3, line 25, after "(2)" insert **"knowingly"**.

and when so amended that said bill do pass.

(Reference is to HB 1660 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 14, nays 0.

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